

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

TIMOTHY WRIGHT,

Plaintiff,

vs.

CROSSROADS CORRECTIONAL
CENTER, (FNU) BERKEBILE;
(FNU) FENDER; (FNU) BUSBY;
(FNU) STEWART; AND (FNU)
WEAVER,

Defendants.

CV 16-98-GF-BMM

ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on February 12, 2019. (Doc. 34.) Judge Johnston determined that Plaintiff Timothy Wright failed to exhaust his administrative remedies. *Id.* at 1, 8. Judge Johnston recommended that that Court grant Defendants Crossroads Correctional Center, Berkebile, Fender, Busby, and Weaver's Motion for Summary Judgment. *Id.* at 9. Judge Johnston likewise recommended that the Court deny Wright's Motion for Summary Judgment. *Id.*

Judge Johnston ultimately recommended that this matter and Defendant Stewart both be dismissed without prejudice. *Id.*

Neither party filed objections. The Court reviews findings and recommendations not objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED:

1. Judge Johnston’s Findings and Recommendations (Doc. 34) is
ADOPTED IN FULL.
2. Defendant Stewart is DISMISSED WITHOUT PREJUDICE.
3. Crossroads Correctional Center, Berkebile, Fender, Busby, and Weaver’s
Motion for Summary Judgment (Doc. 18) is GRANTED.
4. Wright’s Motion for Summary Judgment (Doc. 27) is DENIED.
5. The Clerk of Court shall close this case and enter judgment in favor of
Defendants pursuant to Federal Rule of Civil Procedure 58.
6. The Clerk of Court shall have the docket reflect that the Court certifies
pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A) that any

appeal of this decision would not be taken in good faith.

DATED this 6th day of March, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge